



## U.S. Department of Justice

Justice Management Division

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*Washington, D.C. 20530*

March 2, 2021

The Honorable Emory A. Rounds, III  
Director  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, DC 20005-3919

Dear Mr. Rounds:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of Vanita Gupta. President Biden has nominated Ms. Gupta to serve as Associate Attorney General of the United States. We have conducted a thorough review of the nominee's report and have counseled her on the government ethics rules. The purpose of this letter is to describe the steps that Ms. Gupta will take to avoid any actual or apparent conflict of interest in the event that she is confirmed for the aforementioned position. Ms. Gupta understands that it is her responsibility to understand and comply with commitments outlined in this agreement.

Although it is not possible to provide for all of the specific circumstances which might give rise to a financial conflict of interest because the work of the Associate Attorney General involves a wide variety of matters involving specific parties, and it is not possible to predict where conflicts will arise until specific parties are identified, we have counseled Ms. Gupta on the applicable conflict of interest laws and regulations and, in particular, on the application of the criminal conflicts of interest law at 18 U.S.C. § 208.

### SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), Ms. Gupta will not participate personally and substantially in any particular matter in which she knows that she has a financial interest directly and predictably affected by the matter, or in which she knows that a person whose interests are imputed to her has a financial interest directly and predictably affected by the particular matter, unless she first obtains a written waiver, pursuant to 18 U.S.C.

§ 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). She understands that the interests of the following persons are imputed to her:

- Her spouse or any minor child of hers;
- Any general partner of a partnership in which she is a limited or general partner;
- Any organization in which she serves as officer, director, trustee, general partner or employee; and
- Any person or organization with which she is negotiating or has an arrangement concerning prospective employment.

In determining whether a particular matter has a direct and predictable effect on her financial interests or on those of any other person whose interests are imputed to her, Ms. Gupta will consult with Department of Justice ethics officials. As stated in the attachment to this Ethics Agreement, Ms. Gupta understands and agrees to comply with the conflict of interest laws and regulations, and to follow the procedures set forth in this agreement.

If Ms. Gupta has a managed account or otherwise uses the services of an investment professional during her appointment, she will ensure that the account manager or investment professional obtains her prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), or obligations of the United States.

Ms. Gupta will receive a live ethics briefing from Department ethics officials after her confirmation but not later than 15 days after her appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of her confirmation, Ms. Gupta will submit her Certification of Ethics Agreement Compliance to Department ethics officials, which documents her compliance with this ethics agreement.

Ms. Gupta understands that as an appointee she will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that she will be bound by it. Among other obligations, she will be required to recuse from particular matters involving specific parties involving her former employer or former clients for a period of two years after she is appointed, with the exception of Federal, state, and local governments. Because she was a lobbyist, Ms. Gupta will be required to recuse from any particular matter on which she lobbied and the specific issue areas of those matters for a period of two years after she is appointed.

Ms. Gupta will not modify this ethics agreement without my approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

## SECTION 2 – FAMILY TRUST

Upon confirmation, Ms. Gupta will resign from her position as co-trustee of her family trust. Because Ms. Gupta will continue to have a financial interest in the family trust, she will not participate personally and substantially in any particular matter that to her knowledge has a direct and predictable effect on the financial interests of the family trust, unless she first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption,

pursuant to 18 U.S.C. § 208(b)(2).

### SECTION 3 - RESIGNATIONS

Upon confirmation, Ms. Gupta will resign from her positions with the following entities:

- Leadership Conference Education Fund
- Leadership Conference on Civil and Human Rights

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after her resignation from each of these entities, she will not participate personally and substantially in any particular matter involving specific parties in which she knows that entity is a party or represents a party, unless she is first authorized to participate, pursuant to at 5 C.F.R. § 2635.502(d).

Ms. Gupta will seek a limited waiver of the provisions of paragraph 3 of the Ethics Pledge under Executive Order 13989 with regard to her prior lobbying registration through the Leadership Conference on Civil and Human Rights. She will not participate in decisions whether to initiate investigations in matters she lobbied the Department to investigate.

Ms. Gupta also recently resigned from her positions with the following entities:

- Council on Criminal Justice
- National Task Force on Election Crises
- New York University School of Law
- Equal Justice Works
- StoryCorps
- International Association of Chiefs of Police

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after her resignation from each of these entities, she will not participate personally and substantially in any particular matter involving specific parties in which she knows that entity is a party or represents a party, unless she is first authorized to participate, pursuant to at 5 C.F.R. § 2635.502(d).

### SECTION 4 – OTHER RECUSALS

Ms. Gupta's father holds a leadership position at the following companies:

- Avantor Inc.
- Aptiv PLC
- DuPont
- Aceto
- GEP

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as her father continues to serve Avantor Inc., Aptiv PLC, DuPont, Aceto, and GEP, Ms. Gupta will not participate

personally and substantially in any particular matter involving specific parties in which she knows any of those entities is a party or represents a party, unless she is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). Because Ms. Gupta also owns stock in Avantor Inc. and Aptiv PLC, she will not participate personally and substantially in any particular matter that to her knowledge has a direct and predictable effect on the financial interests of either of these entities.

#### SECTION 5 – SPOUSE EMPLOYMENT

Ms. Gupta's spouse is employed by the Legal Aid Society of the District of Columbia, in a position for which he receives a fixed annual salary and a bonus tied to his performance. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as her spouse continues to work for the Legal Aid Society of the District of Columbia, Ms. Gupta will not participate personally and substantially in any particular matter involving specific parties in which she knows that the Legal Aid Society of the District of Columbia or any client of her spouse is a party or represents a party, unless she is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

#### SECTION 6 – INTELLECTUAL PROPERTY

Ms. Gupta has an Option to Purchase Life Rights agreement with Paramount Pictures. Ms. Gupta understands that she may not perform any services for Paramount Pictures relating to this agreement during her appointment to the position of Associate Attorney General of the United States. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, she will not participate personally and substantially in any particular matter involving specific parties in which she knows that Paramount Pictures is a party or represents a party, unless she is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

#### SECTION 7 – PUBLIC POSTING

Ms. Gupta has been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Based on the above agreements and counseling, I am satisfied that the enclosed report presents no conflicts of interest under applicable laws and regulations and that you may so certify to the Senate Judiciary Committee.

Sincerely,

LEON  
LOFTHUS

A red digital signature scribble is positioned over the text "LOFTHUS". To the right of the signature, the following text is displayed: "Digitally signed by LEON LOFTHUS", "Date: 2021.03.02", and "08:28:58 -05'00'".

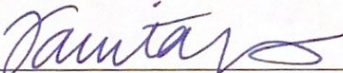
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LOFTHUS  
Date: 2021.03.02  
08:28:58 -05'00'

Lee J. Lofthus  
Assistant Attorney General  
for Administration and  
Designated Agency Ethics Official

Enclosure

## NOMINEE STATEMENT

I have read the Ethics Agreement signed by Lee J. Lofthus, Assistant Attorney General for Administration and Designated Agency Ethics Official on March 2, 2021, and I agree to comply with the commitments outlined in this agreement. In addition, in the event that an actual or potential conflict of interest arises during my appointment, I will consult with the Department ethics officials and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset. I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4). Finally, I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of Federal, state, and local government. Because I was a lobbyist, I also will be required to recuse from any particular matter on which I lobbied and the specific issue areas of those matters for a period of two years after I am appointed.

  
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Vanita Gupta

Date: March 2, 2021